

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 10/725,623

1<sup>st</sup> Named Inventor : Kamrava

Filed : December 1, 2003

Docket No. : 5603.P001X2

Confirmation No. : 4992

Art Unit : 3772

Examiner : Nguyen, Camtu Tran

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Appeal Brief mailed 7/2/10, the Applicants respectfully submit the following remarks.

---

**CERTIFICATE OF SUBMISSION/TRANSMISSION (37 CFR 1.8A)**

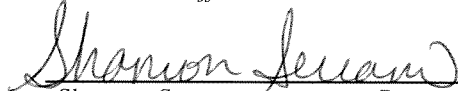
*I hereby certify that this correspondence is, on the date shown below, being:*

**EFS WEB**

**FACSIMILE**

☒ *submitted electronically via EFS Web to the  
Patent and Trademark Office.*

☐ *transmitted by facsimile to the Patent and  
Trademark Office.*

  
Shannon Serrano

8/2/10

Date

### **REMARKS**

The Notice of Non-Compliant Appeal Brief has only one box checked to indicate that the brief allegedly does not contain a correct copy of the appealed claims as an appendix thereto. Also, the Notice of Non-Compliant Appeal Brief has a note stating that the Claims Appendix does not match the claims identified in the last entered amendment.

Applicants phoned S. Saunders-Cobb and Q. Gould, Paralegals listed on the Notice of Non-Compliant Appeal Brief, and left messages stating that Applicants believed the Notice of Non-Compliant Appeal Brief was in error. Applicants explained that the claims in the Claims Appendix of the Appeal Brief appeared to be identical to the claims in the Response mailed 9/9/09 to the Office Action mailed 6/9/09.

On August 2, 2010, Applicants received a voicemail from Mel Cashin at the Board of Appeals Office. The voicemail stated that the Notice of Non-Compliant Appeal Brief would be vacated due to the error by the USPTO and no response would be required.

Accordingly, Applicants respectfully request reconsideration of the Notice of Non-Compliant Appeal Brief on the grounds that the reason for the Notice of Non-Compliant Appeal Brief appears to be in error, since the claims in the Claims Appendix of the Appeal Brief appear to be identical to the claims in the Response mailed 9/9/09 to the Office Action mailed 6/9/09.

The Applicants respectfully petition for an extension of time to respond to the outstanding Notice of Non-Compliant Appeal Brief should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension, as well as any other shortage.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 8/2/10

By Brent E. Vecchia  
Brent E. Vecchia, Reg. No. 48,011  
Tel.: (303) 740-1980 (Mountain Time)

1279 Oakmead Parkway  
Sunnyvale, California 94085-4040